



Defamation Act 1996

1996 CHAPTER 31

Offer to make amends

4 Failure to accept offer to make amends

- (1) If an offer to make amends under section 2, duly made and not withdrawn, is not accepted by the aggrieved party, the following provisions apply.
- (2) The fact that the offer was made is a defence (subject to subsection (3)) to defamation proceedings in respect of the publication in question by that party against the person making the offer.

A qualified offer is only a defence in respect of the meaning to which the offer related.

- (3) There is no such defence if the person by whom the offer was made knew or had reason to believe that the statement complained of—
 - (a) referred to the aggrieved party or was likely to be understood as referring to him, and
 - (b) was both false and defamatory of that party;but it shall be presumed until the contrary is shown that he did not know and had no reason to believe that was the case.

- (4) The person who made the offer need not rely on it by way of defence, but if he does he may not rely on any other defence.

If the offer was a qualified offer, this applies only in respect of the meaning to which the offer related.

- (5) The offer may be relied on in mitigation of damages whether or not it was relied on as a defence.